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| APPLICATION NO.    | FI         | LING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|--------------------|------------|-----------|----------------------|-------------------------|------------------|
| 09/767,315         | 01/22/2001 |           | Hiram Rivera         | 001222/L 3534           |                  |
| 7590 01/14/2004    |            |           |                      | EXAMINER                |                  |
| John P. Sinno      | tt         |           | LEE, EDMUND H        |                         |                  |
| Langdale, Vall     | otton, et  | . al.     |                      |                         |                  |
| P.O. Box 1547      |            |           | ART UNIT             | PAPER NUMBER            |                  |
| Valdosta, GA 31603 |            |           |                      | 1732                    | \ <u>\</u>       |
|                    |            |           |                      | DATE MAILED: 01/14/2004 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary    By/767,315   |   | Application No.           | Applicant(s) |  |  |  |  |  |
|---|---|---------------------------|--------------|--|--|--|--|--|
| ## DATE OF STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Bedievations of them may be available under the provisions at 37 CFR 1.10(e). In no event, however, may a cuply be timely filled.  If the period to raysly specified above, the remainmen shaddour period will exply and will oping \$10,000 MONTH (S) FROM THE MAILING PROVIDED AND A STATE OF THIS COMMUNICATION.  Bedievations of them may be available under the provisions at 37 CFR 1.10(e). In no event, however, may a cuply be timely filled.  If the period for reply is expelled above, the remainmen shaddour period will exply and will oping \$10,000 MONTH (S) FROM THE PERIOD AND AND ADDRESS A  | - ·   |                           |              |  |  |  |  |  |
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| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editables of time may be available used the provisions of 3 CFR 1.136(a). In no event, however, may a reply be timely filled  and the SR, 69 JACKTPS from the mailing date with the control of the communication of 1 CFR 1.136(a). In no event, however, may a reply be timely filled  and the SR, 69 JACKTPS from the mailing date of the communication of 1 CFR 1.136(a). In no event, however, may a reply be timely filled  and the SR, 69 JACKTPS from the mailing date of the communication of 1 CFR 1.136(a). In no event, however, may a reply be timely filled  and the SR, 69 JACKTPS from the mailing date of the communication is become ABANCACHD (69 U.S.C. § 133).  Edition to the second provide the second value of the communication is the communication.  1) ■ Responsive to communication (s) filed on 22 January 2001.  2a) ■ This action is FINAL. 2b) ■ This action is non-final.  3) ■ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ■ Claim(s) 1-14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ■ Claim(s) is/are are allowed.  5) ■ Claim(s) is/are are allowed.  6) ■ Claim(s) is/are are allowed.  7) ■ Claim(s) is/are are allowed.  8) ■ Claim(s) 1-14 are subject to restriction and/or election requirement.  Applicant may not request that any objection to the drawingly be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.25(d).  11) ■ The oath or declaration is objected to by the Examiner.  12) ■ All by Some *0 ■ None of:  13 ■ Certified copies of the priority documents ha    |   |                           |              |  |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edulations of time may be available under the provided on a state of the proof of time may be available under the provided of the proof of the proof of reply appelled above, the maximum of 37 CPR 1.136(a), in no event, however, may a triply be timely fitted  ### It No proof for reply appelled above, the maximum statestury period will be statutery within the state of the proof of the | The MAILING DATE of this communication a  |                           |              |  |  |  |  |  |
| THE MAILING DATE OF THIS COMMUNICATION.  Estawlards of time may be available under the provides of 37 CFR 1.136(a). In an ovent, however, may a (reply be limitly lifed after SIX (8) MONTES from the mailing date of this communication.  It IX is precised by the Office above, the maximum trainable profess of apply and vill gape, \$20 (b) MONTES from the mailing date of the communication.  Failure to reply within the set of extended princip for reply vill. By statute, cause the application to become ARANDONED (38 U.S.C. § 133).  Any reply received by the Office between the non-mortal under the mailing date of the communication, even if timely field, may reduce any secured potent term regulations. Set 97 CFR 1.179(b).  Status  1) □ Responsive to communication(s) filled on 22 January 2001.  2a) □ This action is FINAL.  2b) □ This action is FinAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1.14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) 1.14 are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  Application Papers  9) □ The drawing(s) filed on is/are: al) accepted or b) objected to by the Examiner.  Application Papers  9) □ The drawing(s) filed on is/are: al) accepted or b) objected to See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) □ The order of Su.S.C. § 119 and 120  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b □ Some * c) □ None of is the extribed opicies of t   | Period for Reply  |                           |              |  |  |  |  |  |
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| 2a) This action is FINAL. 2b)⊠ This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.721(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * o) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application Papers application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Alt   |   | . January 0004            |              |  |  |  |  |  |
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| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.  37 CFR 1.78.  a) The translation of the foreign language provisional application has been received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Praftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)  | Application Papers  |                           |              |  |  |  |  |  |
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## **DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-9, drawn to a method for making plastic sanitaryware and a process for making a female mold, classified in class 264, subclass 69.
- II. Claims 10-14, drawn to a female mold and a production fixture, classified in class 425, subclass 117.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as forming molding decorative signs instead of sanitaryware.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. If Group I of the above restriction requirement is elected then the following species election of the claims drawn to Group I is appropriate. This application contains claims directed to the following patentably distinct species of the claimed invention:

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- a) those claims directed to manufacturing plastic sanitaryware.
- A1) the claim directed to pouring the resinous backing material into the space.
- B1) the claim directed to pumping the resinous backing material into the space.
  - b) those claims directed to manufacturing a female mold.
- 5. If Group II of the above restriction requirement is elected then the following species election of the claims drawn to Group II is appropriate. This application contains claims directed to the following patentably distinct species of the claimed invention:
  - c) those claims directed to a female mold.
  - d) those claims directed to a production fixture.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is

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571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

EDMUND H. LEE Primary Examiner Art Unit 1732

**EHL** 

Elemosen 1/7/04